# Poughkeepsie Journal (NY)

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## Feds to weigh worth of PCB damage

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Richard Imperati, 51, a lifelong Poughkeepsie resident and a local cab driver for more than 30 years, uses three fishing rods to catch either striped bass or catfish. The government is studying how PCBs damaged the Hudson River's resources, and how to compensate for the damages.

After a car accident, someone puts out the fire, and someone compensates the victim for the damage to his car.

On the Hudson River, PCB pollution caused the wreck. The damage is to the water, the wildlife and the people who enjoy them.

The Environmental Protection Agency is the emergency crew. The agency's strategy is to dredge the lingering pockets of PCBs from river-bottom muck north of Albany, at General Electric Co.'s expense, starting in 2006.

The Natural Resource Damage Trustees, a coalition of government agencies, is the insurance agent, assessing the damages and compensating the public and the environment.

The analogy is Stephen Sanford's, chief of the Department of Environmental Conservation's Bureau of Habitat. He uses it to explain why the government is studying how PCBs damaged the Hudson River's natural resources, and how GE will ultimately be asked to compensate for those damages.

‘‘The whole goal of a natural resource damage claim is to restore natural resources,’’ Sanford said last month at a meeting about Hudson River rest-oration, organized by four environmental groups.

**Law requires it**

A simpler explanation: it’s the law.

GE discharged PCBs from capacitor manufacturing plants 40 miles north of Albany starting in the 1940s, and some PCBs continue to seep into the river despite the company ceasing use by the mid-1970s. Exposure to PCBs, or polychlorinated biphenyls, has been linked to cancer, developmental problems and other ills.

The federal government puts responsibility on the polluter for cleaning pollution and compensating for the damages.

The trustees -- which on the Hudson include the DEC, the U.S. Fish and Wildlife Service and the National Oceanographic and Atmospheric Administration -- have identified several damages PCBs allegedly caused in the Hudson. For instance: Water quality was diminished, fishing was curtailed, the cost of dredging the navigational channel north of Troy increased, and it appears mink can’t reproduce as well.

**Effects on wildlife studied**

Other suspected damages are being studied. Among them: Are PCB levels in bird eggs high enough to cause reproductive or developmental problems? Are PCBs in upriver wetlands hurting breeding amphibians? Do high levels of PCBs found in snapping turtles harm them?

Just as thorny is the question, how does one fairly compensate for those damages?

To extend Sanford’s car wreck analogy, the Hudson River ecosystem has been an arena for a demolition derby. Pollution -- sewage, wastes from countless industries, and runoff from an increasingly paved landscape -- is only part of the story.

The river north of Catskill was transformed from a series of shallow pools and marshes into a deep channel, drastically altering thousands of acres and displacing many of the fish, wading birds and other wildlife that once had lived there. Islands of dredged sediments were created, and wetlands filled.

The railroad tracks were built, straightening the banks, cutting off some marshes and creating others.

Some 338 dams still stand on the Hudson's 62 tributaries, each of which was built for power and many of which continue to alter the natural flow of water, sediment and nutrients -- and block migratory fish from their historical habitats.

''People look at the Hudson and they see this forested landscape and say, 'It looks like the most natural thing I've ever seen.' It's not,'' said Dan Miller, habitat restoration coordinator for the Hudson River Estuary Program and the Hudson River National Estuarine Research Reserve. He spoke at the meeting last week.

No law exists to d raw money from some deep-pocketed company to compensate for many of these ''damages.'' And many cannot be undone. The Port of Albany will not be closed so the channel can be filled with shallow wetlands.

But dams can be removed, wetlands can be constructed and hard shorelines can be softened to improve habitats. Projects of this kind, some scientists think, may compensate the Hudson River ecosystem for PCB damage. Improving river access for fishermen may be a way to compensate them for the years fishing has been restricted.

The trustees are now accepting ideas from the public for restoration projects.

The irony is that virtually any effort to restore a historic wildlife habitat would destroy an existing one. For instance, removing a dam might one day allow river fish to spawn up stream, creating a more robust population -- but it would damage or destroy the population of fish that has lived in the lake behind the dam. In some cases, those lakes have been around for nearly two centuries.

So what's the big idea? The ecosystem will benefit from a net positive gain, even if it takes many years to realize, said Stuart Findlay, an ecologist with the Institute of Ecosystem Studies in Millbrook who studies the Hudson River.

**Ability to help in doubt**

But as with the dredging itself, which will drastically disrupt the upper Hudson ecosystem before it helps it, many residents will doubt the government's decisions and ability to restore habitat.

It concerns City of Poughkeepsie angler Richard Imperati. He plucks striped bass from the river and has seen healthy catfish replace the sore-ridden fish he snagged seven or eight years ago.

''They're not going to mess it up. They're going to destroy it,'' he said recently as he fished for stripers from the DeLaval property in Poughkeepsie.

Others see a chance for positive change. Rick Jarow, a Poughkeepsie resident, feels people have focused too much on demonizing GE, neglecting the river itself and a real connection to it.

‘‘I think it’s great somebody wants to do all this work,’’ he said. ‘‘One question no one asks,’’ he added, ‘‘is, ‘What does the river want?’ ‘‘

The government’s task is large. It must prove PCBs damaged the system, identify restoration projects that are directly linked to those damages, sell the idea to the public -- and settle the claim with GE.

‘‘We see a very protracted scientific and legal process ahead. We hope that, throughout this process, the trustees will be guided by and adhere to the best possible science, actual data from the upper Hudson and common sense,’’ said Mark Behan, a GE spokesman.

He said studies of ‘‘thriving and diverse’’ fish and wildlife in the river north of Albany are good evidence the river is in better shape now than in previous generations, while GE plans to work with state and federal environmental officials to decrease PCB levels in the environment.

Absent a settlement, the trustees have until three years after dredging is complete -- 2015 by current estimates -- to sue for damages, after which a court battle would probably ensue for several more years. GE is not now negotiating a settlement.

Natural resource damage claims in other PCB pollution cases, according to a Scenic Hudson analysis, have resulted in multi-million dollar settlements -- $21 million in New Bedford Harbor in Massachusetts, $33.8 million, so far, on the Lower Fox River in Wisconsin, and $25 million on the Housatonic River in Massachusetts and Connecticut.

**Settlement could be any time**

It’s important for residents to suggest restoration projects because the claim could be settled at any time, said Rich Schiafo, environmental project manager for Scenic Hudson. The Poughkeepsie-based environmental group is hosting meetings on river restoration and drafting a citizens guide with Hudson River Sloop Clearwater, the Sierra Club and Environmental Advocates.

Independent of any GE involvement, Miller aims to reconstruct a vision of the Hudson’s past, identify potential projects to restore aspects of it, coordinate projects and monitor how well they work.

Findlay said a coordinated strategy like that is important.

‘‘We’re getting there,’’ Findlay said. ‘‘We’re not there yet.’’

Protecting good existing habitats is most important. It’s cheaper than restoring habitats and avoids the inevitable disruption, Miller said.

Protecting existing habitat means knowing the river well enough to recognize when projects proposed in and around the river, from navigational dredging to shoreline development, threaten the ecosystem. It means using that knowledge to stop or alter projects that will damage existing habitat.

Restoration of any kind, he said, ‘‘is a really difficult thing to do when you keep losing habitat.’’

ON THE WEB

To learn more about the government’s plans for studying PCBs’ effect on the Hudson River, visit www.darp.noaa.gov/neregion/hudsonr.htm


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